

REMARKS

In accordance with the foregoing, claims 1, 3, 5, 6, 9, 10, 11, 12, 14-16, 19, 21-23 and 40 have been amended and claims 35 and 36 have been cancelled without prejudice or disclaimer. Claims 24-34 and 37-39 are allowed. No new matter has been introduced by the amendment. Claims 1-34 and 37-40 are now pending. Reconsideration of claims 1-23 and 40 is respectfully requested.

OBJECTION TO CLAIMS 3, 5, 14, 16, 19 AND 21-23

At page 4 of the Office Action, claims 3, 5, 14, 16, 19 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 5, 14, 16, 19 and 21-23 have been rewritten into independent form. Thus, withdrawal of the objection to claims 3, 5, 14, 16, 19 and 21-23 is respectfully requested.

REJECTION OF CLAIMS 1, 2, 6, 8-13, 17-18, 20 AND 40 UNDER 35 U.S.C. § 102(b)

At page 2 of the Office Action, claims 1, 2, 6, 8-13, 17-18, 20 and 40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hisaya (JP59215519A). This rejection is respectfully traversed.

Regarding claim 1:

The Applicants respectfully submit that the Abstract of Hisaya fails to teach or suggest a weight detecting device for a microwave comprising "a weight detecting unit comprising a weight sensor supported at an end thereof, and detecting a weight according to an external force applied to a free end thereof," as in amended claim 1 from which claims 2, 6 and 8 depend.

Regarding claim 9:

The Applicants respectfully submit that Hisaya does not appear to teach or suggest a weight detecting device with a support unit for a microwave oven comprising "a weight sensor formed of a beam fixed at one end thereof to the support unit, to detect a weight placed on a free end of the beam..." as in amended claim 9.

Regarding claim 10:

Hisaya does not appear to teach or suggest a weight detecting device for a microwave comprising “a weight sensor formed of a cantilever beam for which a displacement of a free end thereof is substantially resistant to temperature variation so as to detect a weight...” as in amended claim 10.

Regarding claim 11:

Hisaya does not appear to teach or suggest a weight detecting device for a microwave comprising “a weight sensor formed of a cantilever beam for which a displacement of a free end thereof is substantially resistant to temperature variation, and detecting a weight according to a force applied to the free end...” as in amended claim 11.

Regarding claim 12:

Hisaya does not appear to teach or suggest a weight detecting device with a support unit for a microwave comprising “a weight sensor supported at an end thereof by the support unit, and detecting a weight...” as in amended claim 12 from which claims 13, 17-18 and 20 depend.

Regarding claim 40:

Hisaya does not appear to teach or suggest a microwave oven comprising “a support unit mounted to the top plate...[and] a weight detecting unit only a part of which is supported by the support unit to allow displacement thereof...” as in amended claim 40.

Instead, the Abstract of Hisaya appears to disclose a microwave having a weight sensor 18 detachably mounted to a back surface of a plate body 16. The plate body 16 appears to have a free end thereof. However, the weight sensor 18 does not appear to have a free end thereof, and thus does not appear to be able to detect weight according to a force applied to a free end thereof.

As the Examiner is aware, Hisaya, except for the Abstract, is in Japanese language, and courts have held that reliance on an Abstract of the cited foreign language reference to both disclose all the claimed features and the purported motivation or suggestion for a combination is improper. (See Ex parte Gavin, 62 USPQ 2d 1680, 1683 (BPAI 2001), which states, in part, “generally an abstract does not provide enough information to permit an objective evaluation of the validity of what it describes...It is our opinion that a proper examination under 37 CFR §1.104 should be based on the underlying documents and translations, where needed.”) Since a proper understanding of what each reference discloses can only be found through a translation of each

reference, for example, whether the weight sensor 18 comprises a free end capable of detecting weight of food according to a force applied thereto. The Applicants respectfully request a translation of Hisaya be provided in any future Office Action relying on the same. Therefore, withdrawal of the rejection of claims 1, 2, 6, 8-13, 17-18, 20 and 40 is respectfully requested.

At page 2 of the Office Actions, claims 1, 2, 9-13 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Masaaki (JP57155035A). This rejection is respectfully traversed.

Regarding claim 1:

The Applicants respectfully submit that Masaaki does not appear to teach or suggest a weight detecting device for a microwave comprising “a weight detecting unit comprising a weight sensor supported at an end thereof, and detecting a weight according to an external force applied to a free end thereof...” as in amended claim 1 from which claim 2 depends.

Regarding claim 9:

The Applicants respectfully submit that Masaaki fails to teach or suggest a weight detecting device with a support unit for a microwave oven comprising “a weight sensor formed of a beam fixed at one end thereof to the support unit, to detect a weight placed on a free end of the beam...” as in amended claim 9.

Regarding claim 10:

Masaaki does not appear to teach or suggest a weight detecting device for a microwave comprising “a weight sensor formed of a cantilever beam for which a displacement of a free end thereof is substantially resistant to temperature variation so as to detect a weight...” as in amended claim 10.

Regarding claim 11:

Masaaki does not appear to teach or suggest a weight detecting device for a microwave comprising “a weight sensor formed of a cantilever beam for which a displacement of a free end thereof is substantially resistant to temperature variation and detecting a weight according to a force applied to the free end...” as in amended claim 11.

Regarding claim 12:

Masaaki does not appear to teach or suggest a weight detecting device with a support unit for a microwave comprising “a weight sensor supported at an end thereof by the support unit, and detecting a weight...” as in amended claim 12 from which claims 13 and 20 depend.

Instead, the Abstract of Masaaki appears to disclose a microwave heater having a weight detector 6 applied to an operation circuit not shown. It is not understood from the Abstract alone, the essential elements of the weight detector or the operation of the weight detector.

As the Examiner is aware, Masaaki, except for the Abstract, is in Japanese language, and courts have held that reliance on an Abstract of the cited foreign language reference to both disclose all the claimed features and the purported motivation or suggestion for a combination is improper. (See Ex parte Gavin, 62 USPQ 2d 1680, 1683 (BPAI 2001), which states, in part, "generally an abstract does not provide enough information to permit an objective evaluation of the validity of what it describes...It is our opinion that a proper examination under 37 CFR §1.104 should be based on the underlying documents and translations, where needed.") Since a proper understanding of what each reference discloses can only be found through a translation of each reference, for example, whether the weight detector is supported at an end thereof, and detects a weight according to a force applied at a free end thereof. The Applicants respectfully request a translation of Masaaki be provided in any future Office Action relying on the same. Therefore, withdrawal of the rejection of claims 1, 2, 9-13 and 20 is respectfully requested.

REJECTION OF CLAIMS 4, 7, 15 AND 35-36 UNDER 35 U.S.C. § 103(a)

At page 3 of the Office Action, claims 4, 15 and 35-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaaki in view of Baek (KR1019960011448). This rejection is respectfully traversed.

As previously mentioned above, claims 35 and 36 have been cancelled without prejudice or disclaimer.

Regarding claims 4 and 15:

Masaaki fails to disclose all of the features of amended claims 1 and 12 from which claims 4 and 15 depend, respectively.

In addition, the Abstract of Baek discloses a microwave having a weight sensor provided at a center of a guide plate. Baek does not teach or suggest a weight detecting device for a microwave comprising "a weight detecting unit comprising a weight sensor supported at an end thereof, and detecting a weight according to an external force applied to a free end thereof..." as in amended claim 1 from which claim 4 depends. Nor does Baek teach or suggest a weight detecting device with a support unit for a microwave comprising "a weight sensor supported at

an end thereof by the support unit, and detecting a weight..." as in amended claim 12 from which claim 15 depends.

Thus, the combination of Masaaki and Baek fails to establish a prima facie case of obviousness. Accordingly, claims 4 and 15 are patentably distinguishable over Masaaki in view of Baek. Therefore, withdrawal of the rejection of claims 4 and 15 is respectfully requested.

At page 4 of the Office Action, claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisaya in view of Baek. This rejection is respectfully traversed.

As mentioned above, the Abstract of Hisaya does not teach or suggest all of the features of claim 1 from which claim 7 depends. In addition, Baek does not teach or suggest all of the features of claim 1 from which claim 7 depends. Therefore, the combination of Hisaya and Baek fails to establish a prima facie case of obviousness. Accordingly, claim 7 is patentably distinguishable over Hisaya in view of Baek. Therefore, withdrawal of the rejection of claim 7 is respectfully requested.

CONCLUSION


In view of the foregoing remarks, it is respectfully submitted that each claim is patentably distinguishable over the prior art and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection, along with the indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 18, 2004

By: 
Deidre M. Davis
Registration No. 52,797

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501